

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION**

Cindy L. Roberson, individually and as)
personal representative of the Estate of)
Wesley Roberson, and Brenda Wayman,)
Individually and as parent and natural)
Guardian for Amber Maloyed, and Cindy L.)
Roberson, as parent and natural guardian for)
Hosea Rosemond, and Tony Sanders,)
Individually and as parent and natural)
Guardian for Zachariah Sanders, and)
Michael A. Roberson,)

Plaintiffs,)

v.)

John E. Reid and Drug Transport, Inc.,)

Defendants and Third Party)
Plaintiffs,)

v.)

Jerry W. Maloyed, Jr.,)

Third Party Defendant.)

ORDER

C.A. No. 8:09-cv-03038-HFF

This matter comes before the Court by way of Plaintiffs' combined motions to amend their complaint to add Jerry W. Maloyed, Jr., (hereinafter "Maloyed"), as a co-defendant and add claims against Maloyed and to remand this matter to state court in the event the motion to amend is granted.

The allegations in Drug Transport, Inc.'s, (hereinafter "Transport"), 3rd Party Complaint allege negligence on the part of Maloyed and, if taken as true, raise the issue of Maloyed's comparative fault. Maloyed is a resident of South Carolina as are the Plaintiffs. If Maloyed becomes a co-defendant, complete diversity will not exist.

After a full and frank discussion regarding the issues outlined in Plaintiffs' motions, the original parties have reached an agreement concerning the issues outlined in Plaintiffs' motions. Specifically, Transport has consented to Plaintiffs' motion to amend their complaint so as to add Maloyed as a direct co-defendant and for Plaintiffs to amend their complaint to reflect the same and further assert claims directly against Maloyed. Furthermore, Transport has consented to Plaintiffs' motion to remand this matter to Anderson County Court of Common Pleas.

Having carefully considered the motion to amend and to remand, the motion is hereby **GRANTED.**

IT IS SO ORDERED.

Signed this 22nd day of December, 2009, in Spartanburg, South Carolina.

s/ Henry F. Floyd
HENRY F. FLOYD
UNITED STATES DISTRICT JUDGE

WE SO CONSENT:

s/ T. David Rheney
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